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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
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11 LFP IP, LLC,

12 Plaintiff,

13 v.

14 LEE KEITH BRETT,

15 Defendant.  
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Case No. CV 16-166 FFM

SUPPLEMENTAL CIVIL TRIAL  
ORDER FOR NON-JURY TRIALS

17 In its Amended Memorandum of Contentions of Fact and Law filed on August  
18 22, 2018, plaintiff advised that it is only seeking injunctive relief and that, therefore,  
19 the matter must be tried to the Court sitting without a jury. Defendant's Amended  
20 Memorandum of Contentions of Fact and Law filed on the same day states that the  
21 parties have agreed to a bench trial. Given this change in status, the Court issues its  
22 Supplemental Civil Trial Order.

23 **TRIAL START DATE AND TIME:** The trial will commence, as previously  
24 scheduled, on **October 2, 2018** in Courtroom 580 (5th Floor), Edward R. Roybal  
25 Federal Building, 255 East Temple Street, Los Angeles, California. **However the**  
26 **start time will be 9:00 a.m. instead of 8:30 a.m. as previously scheduled.**

27 **PRETRIAL CONFERENCE:** The pretrial conference will proceed on  
28 September 13, 2018 at 10:00 a.m., as previously scheduled. At the pretrial

1 conference the Court will require the parties to provide time estimates for the  
2 proposed testimony of each witness and explain in detail the anticipated testimony  
3 of each witness, including any exhibits (other than exhibits to be used for  
4 impeachment) that are anticipated to be used with each witness.

5 In addition, the parties should be prepared to discuss means of streamlining the  
6 trial, including, but not limited to the following: bifurcation; presentation of  
7 foundational and non-critical testimony and direct testimony by deposition excerpts;  
8 narrative summaries and/or stipulations as to the content of testimony; presentation  
9 of testimony on direct examination by affidavit or by declaration subject to cross-  
10 examination; and qualification of experts by admitted resumes.

11 **TRIAL TESTIMONY:** The parties are advised that the Court may accept  
12 declarations of witnesses in lieu of direct testimony. In this regard, Counsel may  
13 submit the direct testimony of a witness in writing in a declaration executed under  
14 penalty of perjury. Any such declarations shall be in admissible form with  
15 appropriate foundation established for the declarant's statements. Paragraphs in each  
16 declaration shall be numbered consecutively to facilitate the identification of  
17 paragraphs for evidentiary objections.

18 **Counsel are to exchange and file these declarations with the Court at least**  
19 **eleven calendar days before trial**, unless otherwise ordered by the Court. **Seven**  
20 **calendar days before trial, counsel may file evidentiary objections to those**  
21 **declarations.** Counsel shall prepare a separate document for each declaration for  
22 which they have an evidentiary objection, in which they shall quote the specific  
23 language from the declaration to which they object, followed by the objection and  
24 any relevant argument. **Counsel shall file any reply or response to the objections**  
25 **by noon on the fourth calendar day before trial.** Courtesy copies of the  
26 declarations and evidentiary objections shall be delivered to the Courtroom Deputy  
27 Clerk, Mr. James Munoz, who can be reached at (213) 894-1831. The Court urges  
28 the parties to be judicious with their objections and any arguments in support of or in

1 opposition to those objections. Do not submit blanket or boilerplate objections to  
2 the opposing party's witness declarations. These will be disregarded and overruled.

3 At trial, the Court will rule on the evidentiary objections and, depending upon  
4 the ruling, the declarations will be received in evidence, either in whole or in part, or  
5 rejected. Counsel will then conduct the cross-examination and re-direct examination  
6 at trial.

7 IT IS SO ORDERED.

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9 DATED: August 29, 2018

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11 /S/ FREDERICK F. MUMM  
12 FREDERICK F. MUMM  
United States Magistrate Judge  
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